



GOVERNMENT OF GUAM

CIVIL SERVICE COMMISSION KUMISION I SETBISION SIBIT

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MEMORANDUM

December 31, 2008

To: Mr. Luis Baza, Board Chairman
Civil Service Commission

From: Naomi E. Lujan-Gonzales
Director, Civil Service Commission

SUBJECT: CREATION OF POSITION IN THE CLASSIFIED SERVICE

Hafa adai Mr. Chairman:

Public Law 29-113, Chapter VI, Section 41 authorizes the Civil Service Commission to establish the Department of Corrections' Property Management Officer in the classified service.¹ In addition, the authority to create positions is authorized by Public Law 28-112 or Title 4 of the Guam Code Annotated, Chapter 6, § 6303(d).

Public Law 29-113 was signed into law on September 30, 2008 and specifically mandated the Commission to act on the above subject matter within 90 days of enactment. Accordingly, I am transmitting the attached report on the creation of the Property Management Officer position in the classified service for DOC for yours and the boards' review and approval at the next board meeting. Please also take note that as of today, the attached report is posted on the Commission's website.

Please do not hesitate to speak to me about this matter should you have any questions or concerns. Thank you for your time and attention. Happy new year!

Sincerely,

A handwritten signature in dark ink, appearing to read "Naomi E. Lujan-Gonzales".

¹ PL 29-113, Chapter VI, Section 41 states:

Section 41. Property Management Officer for Department of Corrections. Notwithstanding any other provision of law, the Department of Corrections is authorized to hire a Property Management Officer in the unclassified service, pursuant to the Department of Administration's rules and regulations pertaining to unclassified employees, until the Civil Service Commission approves and implements the Department of Corrections request that the position of Property Management Officer be included in the classified service. The Civil Service Commission *shall* establish this position in the classified service within 90 days of enactment of this Act and shall submit a report to *Lihestratura* within 90 days. [Emphasis in original text.]

**CIVIL SERVICE COMMISSION
CREATION OF POSITION
Property and Supply Management Officer (DOC)
December 31, 2008
Prepared by: Ramon Lizama, PMA III**

I. INTRODUCTION:

The Director of Corrections, Mr. Jose B. Palacios, is requesting the Civil Service Commission to include the unclassified position of Property Management Officer (4 GCA §4102) in the classified service pursuant to Public Law 29-113, Chapter VI, Section 41.

II. AUTHORITY:

Public Law 29-113, Chapter VI, Section 41 authorizes the Commission to establish the Department of Corrections' (DOC) Property Management Officer in the classified service. In addition, the authority to create positions is authorized by Public Law (PL) 28-112 or Title 4 Guam Code Annotated (GCA), Chapter 6, § 6303(d), which states:

§ 6303(d). Creation of Positions in the Autonomous Agencies and Public Corporations.

- (1) The petition of the head of an agency, department or public corporation listed in § 4105(a) of this Title to create a position shall include:
 - (A) the justification for the new position;
 - (B) the essential details concerning the creation of the position;
 - (C) an analysis of the similarities and differences between the position to be created and positions listed pursuant to 4 GCA § 4101.1(d);
 - (D) the position description;
 - (E) the proposed pay range and demonstration of compliance with § 6301 of this Title;
 - (F) a fiscal note as that term is described in 2 GCA § 9101 *et seq.*; and any other pertinent information.
- (2) The petition shall be posted on the agency, department or public corporation's website for ten (10) days (Saturdays, Sundays and government of Guam holidays excepted). After the posting, the head shall forward the petition, along with evidence of his compliance with 5 GCA § 6303.1(a), to the governing board or commission who, if they approve the same, shall approve the petition by resolution and file the petition and resolution for record with the Director of Administration and the Legislative Secretary.
- (3) No new position may be filled until after compliance with the provisions of this Section and thirty (30) days have elapsed from the date of filing with the Legislative Secretary.

III. METHODOLOGY:

The DOC Property Management Officer is being established in the classified service in accordance with all requirements stated in Title 4 GCA, Chapter 6, § 6303(d), as referenced above. Staff also received input from Mr. Jessie Q. Tupaz, Capt., Ms. Melva Limo, Administrative Assistant, and Mr. John Concepcion, Acting Personnel Officer. The

following is an itemized account for Sections (1) and (2) of 4 GCA § 6303(d) - the statements in **bold** lettering are in response to each requirement:

- (1) The petition of the head of an agency, department or public corporation listed in § 4105(a) of this Title to create a position shall include:

- (A) Justification:

According to Capt. Jesse Tupaz, the Property Management Officer position has remained vacant over the past three years and the functions of the position has since been absorbed by the incumbent of the Supply Supervisor position who is a classified employee. The property management functions continue to be an important responsibility for the department which accounts for over \$1 million worth of property and equipment. Establishing the position in the classified service is consistent with the intent of the Guam Organic Act and the Ninth District Court's Decision on Haeuser vs. Department of Law, 97 F.3d 1152 (9th Cir. 1996), that all positions in the government of Guam shall be placed in the classified service unless it is found to impracticable. In addition, by placing the position in the classified service, management has the flexibility of including the position under its merit career plan which allows permanent employees of the department the opportunity to be considered for upward career mobility.

- (B) Essential Details:

The proposed position is Property and Supply Management Officer (DOC). This is responsible supervisory and management services work in the acquisition and disposition of equipment and property, and in the requisition and warehousing of supplies, materials and commodities of a correctional facility. This position receives direction or guidance about general objectives in most tasks and projects assigned; determines methods, work sequence, scheduling and how to achieve objectives of assignments; and operates within policy guidelines.

The position reports to the person in charge of the Administrative Support Office and will execute the duties and responsibilities indicated on the attached proposed class specification (See Attachment A).

- (C) Analysis of the Similarities and Differences Between the Position to be Created and Positions Listed Pursuant to 4 GCA § 4101.1(d):

4 GCA § 4101.1(d):

The Director of Administration shall perform the following functions:...(d) Maintain, post and keep current on the Department's website a list of all classified and unclassified positions in the executive branch, including autonomous agencies and public corporations, showing the job description and pay range assigned to each position;

According to the Department of Administration's Classification and Compensation Plan which is listed under its website

(<http://www.hr.doa.guam.gov/Default.aspx?tabid=2402>), the staff identified two positions from which to benchmark the creation of the Property and Supply Management Officer (DOC) position. The positions are the Supply Management Administrator (Autonomous Agencies) and the Supply Supervisor. A third position was identified manually from positions unique to autonomous agencies - the Hospital Property Management Officer (GMHA). None of these positions exactly fit the specific needs of the Department of Corrections as described in their attached Position Description (Attachment B).

The creation of the Property and Supply Management Officer position specifically for the Department of Corrections is prompted by the fact that this unique position is not only responsible for the inventory of equipment and supplies for employees, but also for the replenishment of materials and commodities which serve approximately 500 inmates. The proposed position performs the combined functions of the Supply Supervisor (Pay Grade I) and the Hospital Property Management Officer (Pay Grade I) positions, but under a correctional facility environment. The position does not necessarily parallel that of a Supply Management Administrator (SMA - Pay Grade N) position at an autonomous agency since the SMA is delegated full procurement authority and usually reports directly to the appointing authority. Furthermore, the proposed position makes recommendations on awards and contracts for supplies, equipment, and services whereas the SMA makes final decisions and determinations on awards and contracts. Also, all procurement functions and authority for DOC is handled by the General Services Agency, typical for all line departments and agencies.

(D) Position Description:

Please see Attachment B.

(E) Proposed Pay Range and Demonstration of Compliance with § 6301:

§ 6301. Compensation Policy...(1) Employee compensation shall be based on internal equity and external competitiveness. [cited in part]

The proposed "pay grade" is "M". This is in compliance with the Hay Guide Chart Job Profile Evaluation Methodology as indicated in the following:

KNOW-HOW:	E	1	2	200
PROBLEM SOLVING:	D	3	33%	66
ACCOUNTABILITY:	D	1	P	87

TOTAL POINTS 353

The above evaluation was obtained by analyzing the job content of the position, which entails the nature of work, example duties and responsibilities, the minimum knowledge, abilities, and skills, and

the minimum experience and training requirements. In addition, the attached position description, organizational and functional charts were reviewed, including benchmarked positions. The Property and Supply Management Officer (DOC) is a supervisory position that requires basic specialized knowledge and experience in recordkeeping and property inventory control as well as supply management operations to include warehousing and contracting. The position is primarily responsible for the replenishment of supplies, materials, and commodities for the department and participates in long-range planning sessions regarding the department's supply requirements and capital improvement projects as well as in meetings to resolve critical or complex problems involving the requisition, warehousing, and distribution of equipment and supplies. The position reports to the head of the Administrative Support Unit under the Director's Office.

- (F) Fiscal Note as that Term is Described In 2 GCA § 9101 et seq.; And Any Other Pertinent Information:

§ 9101. Restrictions Against Unfunded Appropriations. All bills that have an effect upon the revenues or the expenditure of any funds of the government of Guam shall identify a specific funding source for which funds are, in fact, available...[cited in part]

This position will be funded using local FY2009 DOC appropriated funds.

- (2) The petition shall be posted on the agency, department or public corporation's website for ten (10) days (Saturdays, Sundays and government of Guam holidays excepted). After the posting, the head shall forward the petition, along with evidence of his compliance with 5 GCA § 6303.1(a), to the governing board or commission who, if they approve the same, shall approve the petition by resolution and file the petition and resolution for record with the Director of Administration and the Legislative Secretary.

"5 GCA § 6303.1(a)" is nonexistent and the text of 5 GCA §6303 does not reflect any reference to the creation of positions. However, within Section 10 of PL 28-112, the section does make reference to a Title 4 GCA, § 6303.1(a). It appears this is the proper reference of law instead of Title 5 GCA § 6303.1(a). Section 10 states as follows:

Section 10. Transparency and Disclosure. A new 4 GCA, Chapter 6, § 6303.1 is hereby *added* to read: "6303.1 Transparency and Disclosure.

(a) Prompt notice of the postings required by 4 GCA §§ 6205 and 6303 shall be provided to each newspaper of general circulation and broadcasting station, which airs a regular local news program within Guam.

(b) The petitions required by 4 GCA §§ 6205 and 6303 are public documents for the purposes of 5 GCA, Ch.10, Art 1. (The Sunshine Law.)

(c) Any attempted creation of a position or above-step recruitment not in compliance with the provisions of 4 GCA §§ 6205, 6303, and 6303.1(a) is void."

Therefore, in compliance with 4 GCA § 6303.1(a), the staff has attached all media notices and receipt of such notice to this report (Attachments C, D, E & F).

IV. RECOMMENDATION:


The Executive Director recommends that the Civil Service Commission create the Property and Supply Management Officer (DOC) position with the pay grade "M" and with the attached job specification in the classified service.

V. IMPACT:

The current DOC staffing pattern indicates that DOC is budgeted for a Supply Supervisor position. Since the Property and Supply Management Officer proposes to perform the supervisory functions of both property management and supply management, it is recommended that the department no longer utilize the Supply Supervisor position and instead recruit for a Property Control Officer (Pay Grade H) and a Supply Technician II (Pay Grade F) to be supervised by the new position.


RAMON T. LIZAMA
Personnel Management Analyst III

Concurred:


NAOMI E. LUJAN-GONZALES
Executive Director